

Subject: Fw: EB 11-71 (FCC 12M-19)

Date: Tuesday, March 13, 2012 1:28:31 AM PT

From: Warren Havens <warren.havens@sbcglobal.net>

To: Patricia Ducksworth <Patricia.Ducksworth@fcc.gov>

CC: Richard Sippel <Richard.Sippel@fcc.gov>, Jimmy Stobaugh <jstobaugh@telesaurus.com>, Pamela Kane <Pamela.Kane@fcc.gov>, Brian Carter <brian.carter@fcc.gov>

Ms. Ducksworth, Mr. Sippel,

I will not file this email in the docket, and this is not a pleading in this hearing, since I have been excluded. However, after the exclusion, you communicated with me, below, and thus I respond.*

I believe you erred in sending the attached to me with your email below, since Judge Sippel found that I cannot represent myself as an individual party in this hearing. That is in two Orders last Friday.

It also lead to my being excluded from the status conference of yesterday, Monday.

In addition, my companies' new counsel, Robert H. Jackson, with the Communications Law Group in Virginia, who just had eye surgery and could not attend yesterday's status conference in person but asked to attend by phone, with me on an extension line, was also excluded.

I don't want to accept partial information from your offices, or be on "listen-only" status, since that muddies the issues of law involved, for my appeal of the exclusion to the Commission or court.**

This email does not involve SkyTel legal entities in this Hearing.

Since I have in some matters cooperated with the Enforcement Bureau in this Hearing, I copy them here.

This not confidential or privileged.

- Warren Havens

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* I also exercise First Amendment rights here. Generally, the government need not listen or respond to such exercise, but it cannot attempt to chill it or sanction it but for very narrow exceptions not involved here.

** I believe the exclusion is improper, highly prejudicial, and may be reversible error.

The Supreme Court noted that "[i]n the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel.'" Faretta v. California, 422 U.S. 806, 813 (1975). These rights are not limited by FCC regulations or in the Communications Act, nor can they be.

It is my work, pro se, including as an individual (I was always a party as an individual for sound Article III standing reasons) that is the foundation of the Hearing: see FCC 11-64 and the cited petitions by me for my companies and I. But now I am excluded by exercise of discretion. Compare that to the status and lax treatment of MCLM in this hearing and at points past.

The law is not so complicated that us citizens can not deal with it. The problem is more often that the government will not. This proceeding, going back over a decade in origin, demonstrates that.

If I am reinstated as a party on appeal or mandamus, I will seek proper relief as to actions that have taken place in this Hearing, and as to any interim or final decisions, during my exclusion from the Hearing.

I intend to use legal counsel in administrative and Constitutional law, for advice and/or representation, for the appeal and this potential related relief- but I do not have to. Maintaing pro se rights is essential, including to have healthy relations with counsel, to fill in gaps of counsel is relieved or withdraws, to save money when needed, and for other good cause. Constitutionally protected rights are not subject to extrinsic good cause in their

exercise and defense, but there are many apparent ones in this case.

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----- Forwarded Message -----

From: Patricia Ducksworth <Patricia.Ducksworth@fcc.gov>

To: Albert J. Catalano <ajc@catalanoplache.com>; Brian Carter <Brian.Carter@fcc.gov>; Charles A. Zdebski <czdebski@eckertseamans.com>; Eric Schwalb <eschwalb@eckertseamans.com>; Gary Schonman <Gary.Schonman@fcc.gov>; Harry Cole <cole@fhlaw.com>; Howard Liberman <Howard.Liberman@dbi.com>; Jack Richards <richards@khlaw.com>; Jeffery Sheldon <jsheldon@fr.com>; Jimmy Stobaugh <jstobaugh@telesaurus.com>; Kurt DeSoto <kdesoto@wileyrein.com>; Laura Phillips <Laura.Phillips@dbi.com>; Mark Griffith <mgriffith@telesaurus.com>; Matthew Plache <mjp@catalanoplache.com>; Pamela Kane <Pamela.Kane@fcc.gov>; Patricia Paoletta <tpaoletta@wiltshiregrannis.com>; Patrick McFadden <Patrick.McFadden@dbi.com>; Paul Feldman <feldman@fhlaw.com>; "rjk@telcomlaw.com" <rjk@telcomlaw.com>; Robert Guruss <guruss@fhlaw.com>; Robert Miller <rmiller@gardere.com>; Tamir Damari <tdamari@nossaman.com>; Terry Cavanaugh <Terry.Cavanaugh@fcc.gov>; "warren.havens@sbcglobal.net" <warren.havens@sbcglobal.net>; Wes Wright <wright@khlaw.com>

Cc: Richard Sippel <Richard.Sippel@fcc.gov>; Mary Gosse <Mary.Gosse@fcc.gov>; Pascal Moleus <Pascal.Moleus@fcc.gov>

Sent: Monday, March 12, 2012 12:59 PM

Subject: EB 11-71 (FCC 12M-19)

Pat Ducksworth

FCC

Office of Administrative Law Judges

202-418-2243